

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:3237

ANSWERED ON:15.04.2008

AMENDMENT OF LAW ON CUSTODIAL DEATHS

Adhalrao Patil Shri Shivaji;Adsul Shri Anandrao Vithoba;Verma Shri Ravi Prakash

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether various lapses in the investigation of the custodial deaths have taken place across the country;
- (b) if so, the details thereof;
- (c) whether the Hon`ble Supreme Court had suggested to amend the law dealing with the custodial deaths;
- (d) if so, the steps taken by the Union Government in this regard; and
- (e) the time by when this law is likely to be amended?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS(SHRI SRIPRAKASH JAISWAL)

(a) & (b): As per guidelines issued by the National Human Rights Commission (NHRC) to all States/UTs, all cases of custodial deaths are required to be reported to NHRC within 24 hours of its occurrence alongwith the relevant reports viz. Inquest Reports, Magisterial Inquiry Reports, Post-Mortem Reports. NHRC has also issued guidelines for videography of the post-mortem reports. All the cases reported to the Commission are analyzed and scrutinized by the Investigation Division of the Commission. The Commission takes up the cases, where any lapse, foul play or negligence is apparent or suspected, with the respective State Authorities and issues directions in all such cases. In such cases, the Commission also seeks necessary report from the respective respondent authorities or orders further probe by special investigating agencies till a logical end.

The NHRC received 1789 intimations regarding deaths in judicial custody and 189 intimations regarding deaths in police custody during last one year i.e. from 1.4.2007 to 31.3.2008.

(c) to (e): Section 176 of Criminal Procedure Code has been amended through the Code of Criminal Procedures (Amendment) Act, 2005 to provide that in the case of death or disappearance of a person, or rape of a woman while in the custody of the police , there shall be a mandatory judicial inquiry and in case of death, examination of the dead body shall be conducted within 24 hours of death.